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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

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13 LOUETTA MALLARD, Individually, and) CASE # **C 04 1246 MMC**
14 BRUCE WELLS, A Minor, By And Through)
His *Guardian ad Litem*, LOUETTA)
15 MALLARD,) ORDER APPROVING
16 Plaintiffs,) PETITION FOR APPROVAL OF
17) MINOR'S COMPROMISE
18 vs.)
19)
20 CITY OF CLEARLAKE, CALIFORNIA, ROBERT)
21 McDONALD and DOES I through XXX,)
inclusive,)
22 Defendants.)
23

24 Comes now LOUETTA MALLARD, hereinafter "Petitioner," and declares, under penalty of
25 perjury, as follows::

26 1. Petitioner is the mother and guardian *ad litem* of BRUCE WELLS, a minor child, and
27 responsible for the care and custody of said minor, born on June 21, 1988.
28

1 2. BRUCE WELLS is one of the plaintiffs in the above-titled civil rights action which
2 alleges, generally, that on April 15, 2003, defendants violated plaintiffs' 4th Amendment civil
3 rights by unlawfully shooting and wounding the family dog, DOSHA.

4 3. As a result of said civil rights violation, BRUCE WELLS sustained emotional distress
5 from which he has fully recovered.

6 4. PROPOSED MINOR'S COMPROMISE: Defendants have offered the sum of \$10,000 as
7 and for a final compromise and settlement of the claim of BRUCE WELLS, a minor, in this matter.
8 Petitioner has agreed to this compromise and requests that it be approved by the Court.
9 Petitioner, upon the advice of counsel, believes that the proposed minor's compromise, if
10 approved, will be in the best interest of all parties hereto, including the minor, BRUCE WELLS.
11 Defendants have also offered to settle the individual claim of Petitioner for the sum of \$14,000,
12 and she has agreed to be responsible for and pay BRUCE WELLS' share of the costs of prosecution
13 of this matter.

14 5. Attorney's Fees: The law offices of Richard J. Massa have spent time and effort
15 undertaking an investigation, conducting factual and legal research, preparing pleadings, attending
16 court, obtaining records, attending depositions, and persuasively negotiating the settlement.
17 Petitioner therefore requests that Richard J. Massa be allowed as attorney's fee of \$2,500, i. e.,
18 25% of the proposed compromise and settlement of \$10,000 for the claim of BRUCE WELLS..

19 6. MINOR'S NET PORTION: The minor's portion of the gross settlement of \$10,000,
20 after deduction of attorney's fees of \$2,500--to wit, \$7,500--is to be placed in an interest-bearing
21 trust account at Lake Community Bank, 805 11th Street, Lakeport, California, 95453, an FDIC
22 insured institution, for the benefit of BRUCE WELLS, subject to withdrawal only upon presentation
23 of proof of identity and attainment of majority by BRUCE WELLS or further order of court..

24 WHEREFORE , Petitioner prays for an Order as follows:

25 1. Approving the Proposed Minor's Compromise and directing payment of the sum
26 of \$2,500 as and for attorney's fees to attorney Richard J. Massa. for legal services rendered on
27 behalf of BRUCE WELLS..

2. Directing that the minor's portion of the gross settlement of \$10,000, after deduction of attorney's fees of \$2,500--to wit, \$7,500--is to be placed in an interest-bearing trust account at Lake Community Bank, 805 11th Street, Lakeport, California, 95453, an FDIC insured institution, for the benefit of BRUCE WELLS, subject to withdrawal only upon presentation of proof of identity and attainment of majority by BRUCE WELLS or further order of court.

I, Louetta Mallard, declare under penalty of perjury and the laws of the state of California, that the foregoing is true and correct.

Dated: July 7, 2005

/s/

Louetta Mallard, Guardian *Ad Litem* for
Bruce Wells

Approved: _____ /s/

ORDER

Good cause appearing, it is hereby ordered that:

1. The above proposed minor's compromise of \$10,000 and attorneys fee of \$2,500 (25%) to Richard Massa, attorney for Bruce Wells, are approved .
 2. The minor's portion of the gross settlement of \$10,000, after deduction of attorney's fees of \$2,500--to wit, \$7,500--is to be placed in an interest-bearing trust account at Lake Community Bank, 805 11th Street, Lakeport, California, 95453, an FDIC insured institution, for the benefit of BRUCE WELLS, subject to withdrawal only (1) upon presentation of proof of identity and attainment of majority by BRUCE WELLS or (2) further order of court.

Dated: July 11 , 2005.

/s/ Maxine M. Chesney

Maxine M. Chesney

United states District Judge